

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DAVID J. BENING,)	
)	
and)	
)	No. 4:90-CV-1798 CAS
BERNICE E. HARRE, SHARON K. MEWES,)	
and SHIRLEY ANN HARDIN, as)	
Successors of Plaintiff ALFRED W. HARRE,)	
Deceased,)	
)	
and)	
)	
BERNICE E. HARRE,)	
)	
Plaintiffs,)	
)	
v.)	
)	
ARTHUR G. MUEGLER,)	
)	
Defendant/Judgment Debtor,)	

ORDER GRANTING MOTION FOR REVIVAL OF JUDGMENT

This closed civil matter is before the Court on plaintiffs' Motion for Revival of Judgment against defendant Arthur G. Muegler. Defendant Muegler died intestate on June 13, 2011.

On January 22, 2016, the Court issued an Order to Show Cause directing defendant's successors in interest or his legal representative to show cause in writing by February 22, 2016 why the judgment plaintiffs previously obtained against defendant on January 23, 1996, and first revived on April 27, 2006, should not be revived again.

On February 26, 2016 the Court issued an Amended Order to Show Cause directing defendant's successors in interest or his legal representative to show cause in writing by April 11, 2016 why the judgment in this action should not be revived.

On March 23, 2016, Christopher J. Daskocil was appointed as the Personal Representative of the Probate Estate of Arthur G. Muegler. In his capacity as the Personal Representative of the Probate Estate of Arthur G. Muegler, Mr. Daskocil responded to the Order to Show Cause. He stated he has no objection to the revival of the Judgments of Mr. Bening and Mr. Harre.

The Court being well advised in the premises finds that:

1. A judgment against defendant Arthur G. Muegler in the amount of Five Hundred Twenty Thousand Dollars (\$520,000.00) (each plaintiff securing a judgment in the amount of Two Hundred Sixty Thousand Dollars (\$260,000.00)) was entered on January 23, 1996 by the United States District Court, Eastern District of Missouri, Eastern Division, in Case No. 4:90-CV-1798 CAS.

2. On January 18, 2006, plaintiffs filed their first Motion to Revive Judgment in this matter, which resulted in an Order on Revival of Judgment entered on April 27, 2006.

3. The instant motion was timely filed January 12, 2016, pursuant to Rule 74.09 of the Missouri Rules of Civil Procedure as incorporated by Rule 69(a) of the Federal Rules of Civil Procedure and 28 U.S.C. § 1961-1963.

4. The Judgment remains unsatisfied.

5. Plaintiff caused a copy of the Motion for Revival of Judgment and the Order to Show Cause to be personally served on defendant Muegler's personal representative, Christopher J. Daskocil. See Doc. 490 at ¶ 2. Pursuant to Rules 54.13(b)(1) of the Missouri Rules of Civil

Procedure, the defendant's personal representative was properly served with notice of the Motion for Revival of Judgment and the Order to Show Cause.

6. In his representative capacity as the Personal Representative for Arthur G. Muegler's estate, Christopher J. Daskocil stated he had no objection to the revival of the Judgments of Mr. Bening and Mr. Harre (now in the name of the successors of the deceased Mr. Harre).

7. The Judgment in favor of plaintiffs and against defendant Arthur G. Muegler should be and hereby is continued and revived.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs' Motion for Revival of Judgment is **GRANTED**. [Doc. 451]

IT IS FURTHER ORDERED that the Judgment of January 23, 1996 in the total amount of Five Hundred Twenty Thousand Dollars (\$520,000.00) (each plaintiff securing a judgment in the amount of Two Hundred Sixty Thousand Dollars (\$260,000.00)), first revived on April 27, 2006, is **CONTINUED and REVIVED** against defendant Arthur G. Muegler.

A handwritten signature in black ink, reading "Charles A. Shaw", with a long horizontal flourish extending to the right.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of June, 2016.